



DOCKET NO.: D0188.70125US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

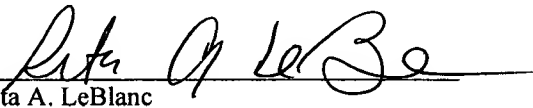
Applicant: Dennis Cherok et al.  
Serial No.: 09/661,623  
Confirmation No.: 8712  
Filed: September 14, 2000  
For: IMPLANTABLE PROSTHESIS

Examiner: Matthews, William H.  
Art Unit: 3738

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 20 day of June, 2007.

  
Rita A. LeBlanc

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**MAIL STOP Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The IDS processing fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

06/22/2007 SSITHIB1 00000060 232825 09661623

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PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would again like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Atty Docket No.</u>
09/900707	06-July-2001	Darois et al.	D0188.70126US00

Applicant previously informed the Patent Office of this co-pending application in the Information Disclosure Statement dated February 6, 2002. Applicant invites the Examiner to review the prosecution of the co-pending application to consider if rejections made or references applied against the claims in the co-pending application may be relevant to the present application. If the Examiner would like a copy of any document(s) related to this application, the Examiner is invited to contact the undersigned.

The Applicant would like to bring to the Examiner's attention that additional documents have been cited in the opposition filed with the European Patent Office against European Patent No. 1 317 227. Enclosed are copies of the additional opposition documents which include:

- Further Submissions of Opponent dated January 17, 2007 (5 pages)
- D6 - WO 00/16822;
- D7 – B.G. Matapurkar et al., “A New Technique of “Marlex®-Peritoneal Sandwich” in Repair of Large Incisional Hernias”, World Journal of Surgery 15, 768-770, 1991; and
- D8 – M. L. Baptista, et al. “Abdominal Adhesions to Prosthetic Mesh Evaluated by Laparoscopy and Electron Microscopy”, Journal of the American College of Surgeons, March 2000.

Opposition documents U.S. Patent No. 5,593,441 (D9) and U.S. Patent No. 5,695,525 (D10) have been previously cited by Applicant.

The Applicant would like to bring to the Examiner's attention that the European Patent Office issued a Decision in the Opposition against EP 1 317 227. Copies of the Decision and the minutes of the oral hearing are also enclosed.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Serial No.: 09/661,623  
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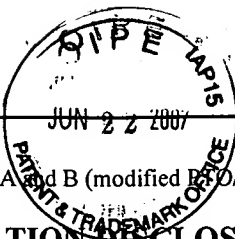
Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:   
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Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: D0188.70125US00  
Date: June 20, 2007  
x06/20/07x



FORM PTO-1449/A and B (modified PTO/SB/08)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Sheet

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of

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APPLICATION NO.: 09/661,623

ATTY. DOCKET NO.: D0188.70125US00

FILING DATE: September 14,  
2000

CONFIRMATION NO.: 8712

APPLICANT: Dennis Cherok et al.

GROUP ART UNIT: 3738

EXAMINER: Matthews, William  
H.**U.S. PATENT DOCUMENTS**

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		7,156,804	B2	Nicolo	01-02-2007

**FOREIGN PATENT DOCUMENTS**

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
		WO	00/16822		Orgill et al.	03/20/2000	

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
		B.G. Matapurkar et al., "A New Technique of "Marlex®-Peritoneal Sandwich" in Repair of Large Incisional Hernias", World Journal of Surgery 15, 768-770, 1991	
		M. L. Baptista, et al. "Abdominal Adhesions to Prosthetic Mesh Evaluated by Laparoscopy and Electron Microscopy", Journal of the American College of Surgeons, March 2000	
		Woodward et al., "The Tissue Response to Implants and Its Evaluation by Light Microscopy", Handbook of Biomaterials Evaluation, MacMillan Publishing Company, 364-378, 1986.	
		Boyers et al., "Reduction of postoperative pelvic adhesions in the rabbit with Gore-Tex surgical membrane", Fertility and Sterility, Vol. 49 No. 6, 1066-1070, June 1988	

EXAMINER:

DATE CONSIDERED:

# EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]